

**In the United States District Court
for the Southern District of Georgia
Brunswick Division**

JAMES EDWARD LEWIS,

Plaintiff,

v.

UNITED STATES OF AMERICA, et
al.,

Defendants.

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No. 2:19-cv-079

ORDER

Before the Court is Plaintiff James Lewis's appeal of the Magistrate Judge's Order dated September 21, 2021. Dkt. No. 61. For the reasons stated below, the Magistrate Judge's Order is **AFFIRMED**.

BACKGROUND

On July 2, 2019, Plaintiff brought this action pursuant to 42 U.S.C. § 1983. By Order dated January 27, 2021, the Court dismissed Plaintiff's official capacity claims against Defendants for monetary damages; dismissed Plaintiff's Federal Tort Claims Act ("FTCA") claims against all Defendants except Defendant United States; and denied Plaintiff's claim for preliminary relief. Additionally, the Court allowed the following claims to proceed: Plaintiff's Eighth Amendment deliberate indifference to a serious medical need claim against Defendant Daniel Deleon; Plaintiff's FTCA claim for medical malpractice and negligence against

Defendant United States; Plaintiff's FTCA claims for intentional infliction of emotional distress against Defendant United States; Plaintiff's deliberate indifference to serious medical needs claims against Defendants Lieutenant M. Allen, P.A. Aremu Bolaji, J. Forsyth, and S. Martin; and Plaintiff's retaliations claims against Defendants Allen, K. Fanton, and Lieutenant Fanton.

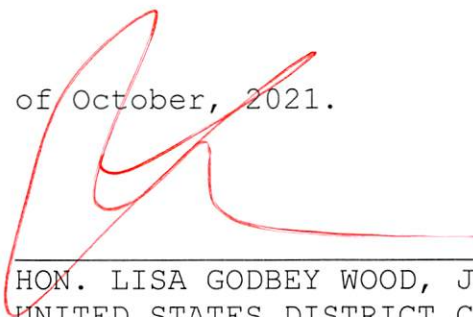
On April 16, 2021, Defendants moved to dismiss Plaintiff's complaint. Dkt. No. 37. Plaintiff's response was initially due May 3, 2021. See Dkt. No. 38. On April 27, 2021, Plaintiff filed a motion for extension of time within which to file a response. Dkt. No. 40. The Court granted the motion, making Plaintiff's response due June 29, 2021. Dkt. No. 43. Thereafter, Plaintiff moved to stay the case, dkt. nos. 45, 50, and the Court denied those motions, dkt. nos. 49, 53. However, the Court allowed Plaintiff additional time in which to respond to Defendants' motion, making his response due August 21, 2021. Dkt. No. 53. On August 30, 2021, Plaintiff again moved for an extension of time within which to file his response. Dkt. Nos. 54, 55. The Court granted Plaintiff another extension, making his response due September 13, 2021. Dkt. No. 57. On September 20, 2021, Plaintiff filed yet another motion for extension of time. Dkt. No. 58. This time, the Court denied Plaintiff's motion. Dkt. No. 60. Plaintiff now appeals.

DISCUSSION

In moving for his latest extension of time, Plaintiff argues that his frequent transfers between correctional facilities caused him to be unable to respond to Defendants' motion. See Dkt. No. 58. In denying his motion, the Magistrate Judge ruled that another extension was not appropriate because (i) Plaintiff has not moved so frequently that it would render him completely unable to respond to Defendants' motion; (ii) the Court's previously granted extensions have accounted for Plaintiff's transfers and provided him ample time to respond; and (iii) Plaintiff's failure to demonstrate he has taken any steps to gather evidence in the preceding five months and failure to respond to arguments where no additional evidence is required demonstrate a lack of diligence in requesting another extension. See Dkt. No. 60.

In his appeal, Plaintiff cites no legal authority in support of his contention that he should have been permitted yet another extension of time within which to respond to Defendants' motion to dismiss. See Dkt. No. 61. After an independent and de novo review of the entire record, the Court **AFFIRMS** the Magistrate Judge's September 21, 2021 Order.

SO ORDERED, this 12 day of October, 2021.



HON. LISA GODBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA